

MARYLAND DEPARTMENT OF JUVENILE SERVICES



POLICY & PROCEDURE

SUBJECT: Youth Grievance Policy
NUMBER: MGMT-01-07 (Management)
APPLICABLE TO: All DJS Employees and DJS Residential Facilities
EFFECTIVE DATE: May 31, 2007

Approved: "/s/signature on original copy"
Donald W. DeVore, Secretary

1. **POLICY.** The Department of Juvenile Services (DJS) shall permit youth and individuals on behalf of DJS youth to file a grievance for a circumstance or action related to behavior of other youth, behavior of employees, or conditions of confinement. If the grievance is an allegation of abuse or neglect it shall no longer be handled as a grievance and shall be reported to Child Protective Services (CPS), Maryland State Police or law enforcement. Grievances do not replace the responsibility of reporting abuse or neglect.
2. **AUTHORITY.**
 - a. Annotated Code of Maryland Article 83C, §§ 2-102, 2-111, 2-117, 2-118, 2-120, 2-123, and 2-124.
 - b. COMAR 16.05.01 and 01.04.04.
 - c. American Correctional Association, Standards for Juvenile Detention Facilities, 3-JDF-3D-08.
 - d. DJJ Standards of Conduct & Disciplinary Process.
 - e. Maryland Standards for Juvenile Detention Facilities.
3. **DEFINITIONS.**
 - a. *Community Case Management Specialist* means the employee assigned to perform overall community case management responsibilities for youth under DJS jurisdiction.
 - b. *Complaint* means a youth's expression of dissatisfaction with any area of activity under DJS authority.
 - c. *Grievance* means a circumstance or action considered by youth to be unjust; grounds for complaint.
 - d. *Facility Case Management Specialist* means a program employee with primary responsibility for ensuring DJS youth receive all appropriate evaluations and services necessary to meet a youth's needs while in residential placement.
 - e. *Youth Advocate* means an individual who works on behalf of youth under DJS jurisdiction to ensure youth needs are met and their rights upheld throughout DJS operations.

4. **PROCEDURES.**

a. **General Procedures.**

- (1) The *Grievance Form – Step I – Initiating a Grievance (Appendix I)* shall be used to document all grievances.
- (2) Youth shall sign a form stating they have received directions for accessing the grievance process. A copy of the form shall be maintained in the youth's base file.
- (3) The Youth Advocacy Unit shall maintain a data base of all grievances and appeals filed, the final disposition on each grievance, and information of all individuals copied on appeals, including but not limited to, those forwarded to the Independent Juvenile Justice Monitors.
- (4) When a youth is released from a facility and the grievance is unresolved, the Assistant Director of the Youth Advocacy Unit shall monitor the grievance until it is resolved.
- (5) The Office of the Secretary shall appoint a substitute Youth Advocate when a grievance is filed against a Youth Advocate.
- (6) The Assistant Director of the Youth Advocacy Unit shall monitor the grievances on a monthly basis to check for and address late grievances.
- (7) **Facility Administrators. Facility Administrators shall:**
 - (i) Ensure youth are afforded an explanation of the grievance procedures during orientation. During orientation, youth shall sign a form stating they have received directions for accessing the grievance process. This form shall be maintained in the youth's base file.
 - (ii) Ensure that only the persons necessary to resolve a grievance are aware of the contents of the grievance.
 - (iii) Ensure youth have unimpeded access to grievance forms and may write out a grievance at any reasonable time. Youth will be provided with a pencil to complete the grievance form.
 - (iv) Ensure that a sufficient number of grievance forms are available on each housing unit and forms are accessible to all youth without assistance from employees.
 - (v) Provide a secure, specially locked box labeled "grievance box" at designated areas which are easily accessible to youth.
 - (vi) Ensure that damaged grievance boxes are immediately repaired or replaced, and secured if they are removed from the wall.
 - (vii) Designate a place for grievance forms to be maintained for a minimum of three years.
 - (viii) Report to the Office of Professional Responsibility and

Accountability (OPRA) any corrective action or employee discipline initiated as a result of a grievance.

(8) Residential Services Employees. Residential Services Employees shall:

- (i) Be trained on the Youth Grievance Procedure during their entry level training, prior to assuming their regular duties.
- (ii) Understand the Youth Grievance Procedure and be able to answer a youth's questions regarding any aspect of the process.
- (iii) Understand that the grievance procedure is confidential.
- (iv) Advise and help youth start the grievance procedure when youth request assistance to file a grievance.
- (v) Ensure that those youth who do not speak English or who are disabled are able to understand and access the grievance process.
- (vi) Never inhibit a youth from pursuing the grievance procedure, or retaliate against a youth for filing a grievance.
- (vii) Report allegations of abuse and neglect in accordance with the Department's Reporting and Investigating Child Abuse and Neglect and Incident Reporting policies and, where applicable, State Law.

(9) DJS Youth Advocates. Youth Advocates shall:

- (i) Function as the youth's non-legal representative whenever a youth files a grievance, or when the advocate is aware of situations that present possible harm to DJS youth.
- (ii) While at the facility, maintain the keys to his/her assigned facility's locked grievance box on his/her person.
- (iii) Assist, when requested, youth or other individuals to initiate the grievance procedure and file the proper forms or where applicable, resolve the issue without filing a grievance.
- (iv) Collect the grievance forms from the grievance boxes, write the date retrieved, read, and evaluate the grievances. (In detention facilities where a Youth Advocate is assigned, the Youth Advocate shall collect grievances on a daily basis. In other facilities, grievances shall be collected on a weekly basis.)
- (v) Notify the Facility Administrator and provide a copy of the grievance after getting the grievance from the box.
- (vi) Interview youth or other individuals who file a grievance within 24 hours, except weekends and holidays, of the receipt of the grievance. These interviews should be documented on the ***Grievance Form Step II - Youth Interview (Appendix 2)***.
- (vii) Within 24 hours of being notified of a youth's release, notify all parties of the general status of the grievance.
- (viii) Transfer the grievance to a Youth Advocate assigned to the location where the youth is transferred if the grievance is related directly to a youth. If the grievance is related to the facility and the youth is transferred, the Assistant Director of the Child Advocacy Unit shall follow-up until the grievance is resolved.

- (ix) Record and maintain documentation of all submitted grievances using the **Grievance Form- Step I – Initiating a Grievance**, **Grievance Form - Step II - Youth Interview** and *Grievance Form - Step III - Advocate Investigation and Mediation (Appendix 3)*.
- (x) Submit all grievances at **Step III - Advocate Investigation and Mediation** to the Assistant Director of the Child Advocacy Unit for review and approval.

b. Formal Grievance Procedures for DJS Residential Facilities.

(1) Step I - Initiating a Grievance.

- (i) A youth may initiate a grievance at any time by:
 - (a) Speaking directly to a Youth Advocate, (these are considered Informal Grievances);
 - (b) Completing the grievance form and placing the form in the designated grievance box (these are considered Formal Grievances); or
 - (c) Requesting an employee to contact the Youth Advocate as soon as possible.
- (ii) If requested, DJS employees shall contact the Youth Advocate no later than the beginning of the Youth Advocate's next scheduled work day.
- (iii) To ensure confidentiality, the DJS employee shall document contacting the Youth Advocate in the unit log book.

(2) Step II - Youth Interview.

- (i) The Youth Advocate shall meet with a youth as soon as possible, but always within three business days, when a grievance is filed or the Youth Advocate is notified that a youth would like to initiate a grievance. The Youth Advocate will obtain the facts, and seek prompt resolution.
- (ii) If the grievance can be resolved at Step II, the Youth Advocate shall document the resolution and have the youth sign and date the form, and indicate that he/she agrees with the resolution provided.
- (iii) When a Youth Advocate is unsuccessful at resolving a grievance at Step II, the Youth Advocate shall proceed to Step III.

(3) Step III - Youth Advocate Investigation and Mediation.

- (i) The Youth Advocate shall refer resolved grievances to the Assistant Director of the Child Advocacy Unit for review and approval.
- (ii) If the grievance is not resolved within five business days of receipt, at the end of the five-day period, the Youth Advocate shall refer the issue to the Assistant Director of the Child Advocacy Unit for

review and follow-up.

(4) Step IV - Supervision and Resolution.

- (i) The Assistant Director of the Child Advocacy Unit shall:
 - (a) Review the grievance and notify the Facility Administrator of the grievance and the fact that it is being reviewed.
 - (b) Investigate the facts and communicate the issues to the appropriate department head or administrative employee to mediate a positive resolution to the grievance.
 - (c) In collaboration with the Facility Administrator, attempt to mediate a positive resolution to the grievance.
- (ii) If the grievance is resolved at ***Step IV – Supervision and Resolution (Appendix 4)***, the youth and the Facility Administrator will receive written notification of the resolution. The youth will sign the form at Step IV, indicating whether he/she agrees or disagrees with the resolution.
- (iii) If the Assistant Director of the Child Advocacy Unit is unable to resolve the grievance at Step IV, he or she shall send written notice within seven business days of his/her receipt of the grievance to the Facility Administrator, notifying of the need to hold a conference with all parties.

(5) Step V - Conference with All Parties.

- (i) The appropriate Facility Administrator shall schedule a conference with all involved parties within three business days of receiving a written notice that the grievance could not be resolved at Step IV.
- (ii) The Facility Administrator shall complete the ***Grievance Form – Step V – Notice of Conference with All Parties (Appendix 5)***.
- (iii) When a youth is still under the Department's jurisdiction, but released or transferred to another location, the Facility Administrator shall ensure the conference is scheduled in a location that provides convenient access for the youth to attend.
- (iv) If a youth chooses not to attend the conference, the Youth Advocate or Director of the Child Advocacy Unit will represent the youth.
- (v) The appropriate Facility Administrator shall render a written decision within three business days of holding the conference and notify all appropriate parties of their decision and right of appeal.
- (vi) If the Facility Administrator fails to hold the conference within three business days, the Assistant Director of the Child Advocacy Unit will proceed to Step VI.

(6) Step VI - Appeal to the Assistant Secretary for Residential Services.

- (i) The Assistant Director of the Child Advocacy Unit shall forward the grievance directly to the Assistant Secretary for Residential

Services when:

- (a) The Facility Administrator fails to hold a conference; or
- (b) The youth is not satisfied with the decision of the Facility Administrator.
- (ii) The Assistant Secretary for Residential Services shall hold the conference with the involved parties within five business days of receiving notification from the Assistant Director of the Child Advocacy Unit.
- (iii) The Assistant Secretary for Residential Services shall determine the facts and notify all parties of the decision on the case, right of appeal to the Secretary, and complete the ***Grievance Form – Step VI - Appeal to Assistant Secretary/Designee for Residential Services (Appendix 6)***.
- (iv) If the Assistant Secretary for Residential Services does not hold a conference or the grievance is not resolved or appealed, the Assistant Director of the Child Advocacy Unit shall forward the grievance to the Secretary and proceed with Step VII.

(7) Step VII - Appeal to the Secretary.

- (i) The Office of the Secretary shall, within ten business days of receiving the initial appeal, conduct a review of the documentation submitted by the Assistant Director of the Child Advocacy Unit and any additional information deemed appropriate, render a decision and notify all parties of the Department's final decision on all appeals. The decision shall be noted on the ***Grievance Form - Step VII - Appeal to Secretary/Designee (Appendix 7)***.
- (ii) Notification shall include, but not be limited to, the youth and the youth's parent or guardian, the Youth Advocate, Assistant Secretary for Residential Services, Assistant Director of the Child Advocacy Unit and the Area Director.

c. Training.

- (1)** Each employee shall receive entry level training on the Grievance Process.
- (2)** The Assistant Director of the Child Advocacy Unit shall provide on-going training to advocates on the Grievance Process.
- (3)** The Assistant Director of the Child Advocacy Unit shall interview youth and employees on a quarterly basis to determine the effectiveness of the grievance process and to identify if there are any barriers to its use.

5. DIRECTIVES/POLICIES AFFECTED.

- a. Directives/Policies Rescinded - **CJ-2-01 (Youth Advocacy Grievance and Appendix)**
- b. Directives Referenced - **MGMT-01 (Reporting and Investigating Child Abuse and Neglect)
MGMT- 02-01 (Incident Reporting)**

6. LOCAL IMPLEMENTATING PROCEDURES REQUIRED. Yes.

7. FAILURE TO COMPLY.

Failure to comply with a Secretary's Policy and Procedure shall be grounds for disciplinary action up to and including termination of employment.

Appendices – 7

- 1. Grievance Form - Step I - Initiating a Grievance
- 2. Grievance Form - Step II - Youth Interview
- 3. Grievance Form - Step III - Advocate Investigation and Mediation
- 4. Grievance Form - Step IV - Supervisor Review
- 5. Grievance Form - Step V - Notice of Conference with All Parties.
- 6. Grievance Form - Step VI - Appeal to Assistant Secretary/Designee for Residential Services or Appropriate Area Director
- 7. Grievance Form - Step VII - Appeal to Secretary/Designee



MARYLAND DEPARTMENT OF JUVENILE SERVICES
OFFICE OF INVESTIGATIONS AND AUDITS (OIA)
Youth Advocacy Unit

Grievance Form – Step I – Initiating a Grievance

Date Retrieved: _____

Grievance # _____

Retrieved By: _____

Copy to Superintendent/
Facility Administrator: _____

YOUTH NAME: _____

FACILITY/PROGRAM: _____

DATE of BIRTH: _____

MONTH

DAY

YEAR

UNIT: _____

Provide a Detailed Description of Your Grievance Below. **PLEASE PRINT CLEARLY.**
WHAT HAPPENED?

When did circumstances or action that you are grieving occur?

WHERE DID IT OCCUR?

STAFF INVOLVED:

OTHER YOUTH INVOLVED:

RESOLUTION DESIRED: What Do You Think is a Fair Solution to Your Grievance? **PLEASE PRINT CLEARLY.**

YOUTH SIGNATURE

_____/_____/_____
DATE OF YOUR SIGNATURE

CONFIDENTIAL AND PRIVILEGED INFORMATION



MARYLAND DEPARTMENT OF JUVENILE SERVICES
OFFICE OF INVESTIGATIONS AND AUDITS (OIA)
Youth Advocacy Unit

Grievance Form - Step II - Youth Interview

Grievance # _____

YOUTH NAME: _____

DATE OF INTERVIEW: _____

DATE OF BIRTH: _____

INTERVIEW:

RESOLUTION: What was the Final Resolution, if any at Step II, of this Grievance?

CHECK ONE: ☐ **AGREE WITH THE RESOLUTION.**

☐ **DISAGREE WITH THE RESOLUTION AND REQUEST AN APPEAL TO THE NEXT LEVEL.**

YOUTH SIGNATURE

ADVOCATE SIGNATURE

DATE

DATE

CONFIDENTIAL AND PRIVILEGED INFORMATION



MARYLAND DEPARTMENT OF JUVENILE SERVICES
OFFICE OF INVESTIGATIONS AND AUDITS (OIA)
Youth Advocacy Unit

Grievance Form - Step III – Advocate Investigation & Mediation

Grievance# _____

YOUTH NAME: _____

DATE OF BIRTH: _____

INVESTIGATION and MEDIATION:

RESOLUTION: What was the Final Resolution, if any at Step III, of this Grievance?

DATE OF RESOLUTION: _____

CHECK ONE: ☐ AGREE WITH THE RESOLUTION.
☐ DISAGREE WITH THE RESOLUTION AND REQUEST AN APPEAL TO THE NEXT LEVEL.

YOUTH SIGNATURE

ADVOCATE SIGNATURE

DATE

DATE

CONFIDENTIAL AND PRIVILEGED INFORMATION



MARYLAND DEPARTMENT OF JUVENILE SERVICES
OFFICE OF INVESTIGATIONS AND AUDITS (OIA)
Youth Advocacy Unit

Grievance Form - Step IV- SUPERVISOR REVIEW

Grievance # _____

YOUTH NAME:

DATE OF BIRTH:

REVIEW:

RESOLUTION: What was the Final Resolution, if any at Step IV of this Grievance?

Supervisor Signature

_____/_____/____

CONFIDENTIAL AND PRIVILEGED INFORMATION



MARYLAND DEPARTMENT OF JUVENILE SERVICES
OFFICE OF INVESTIGATIONS AND AUDITS (OIA)
Youth Advocacy Unit

***Grievance Form - Step VI - Appeal to Assistant
Secretary/Designee for Residential Services or Assistant
Secretary for Community Programs and Services***

Grievance# _____

YOUTH NAME: _____	Date of Birth: _____
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Written Appeal Received by Assistant Secretary: _____	_____
PRINT NAME	DATE

Written Appeal Received by Area Director: _____	_____
PRINT NAME	DATE

Conference Meeting Date: _____	TIME: _____	LOCATION: _____
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Assistant Secretary/Area Director Review and Decision:

_____ ASSISTANT SECRETARY/AREA DIRECTOR SIGNATURE	_____ DATE
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CHECK <u>ONE</u> : <input type="checkbox"/> AGREE WITH THE RESOLUTION.	
<input type="checkbox"/> DISAGREE WITH THE RESOLUTION AND REQUEST AN APPEAL TO THE NEXT LEVEL.	
_____ YOUTH SIGNATURE	_____ ADVOCATE SIGNATURE
_____ DATE	_____ DATE

CONFIDENTIAL AND PRIVILEGED INFORMATION



MARYLAND DEPARTMENT OF JUVENILE SERVICES
OFFICE OF INVESTIGATIONS AND AUDITS (OIA)
Youth Advocacy Unit

Grievance Form - Step VII
Appeal to Secretary/Designee

Grievance# _____

YOUTH NAME: _____ Date of Birth: _____

Appeal Received by Secretary/Designee: _____ DATE: _____

Secretary/Designee Review and Decision:

SECRETARY/DESIGNEE

DATE

CHECK ONE: ☐ AGREE WITH THE RESOLUTION.

☐ DISAGREE WITH THE RESOLUTION AND REQUEST AN APPEAL TO THE NEXT LEVEL.

YOUTH SIGNATURE

ADVOCATE SIGNATURE

DATE

DATE

CONFIDENTIAL AND PRIVILEGED INFORMATION



**MARYLAND DEPARTMENT OF JUVENILE SERVICES
EMPLOYEE STATEMENT OF RECEIPT
POLICY AND PROCEDURE**

SUBJECT: Youth Grievance Policy
POLICY NUMBER: MGMT-01-07 (Management)
EFFECTIVE DATE: May 31, 2007

I have received one copy (electronic or paper) of the Policy and/or Procedure as titled above.
I acknowledge that I have read and understand the document, and agree to comply with it.

SIGNATURE

PRINTED NAME

DATE

(THE ORIGINAL COPY MUST BE RETURNED TO YOUR IMMEDIATE SUPERVISOR
FOR FILING WITH PERSONNEL, AS APPROPRIATE.)